



# Memorandum

**TO: PLANNING COMMISSION**

**FROM: Stephen M. Haase**

**SUBJECT: SEE BELOW**

**DATE: November 4, 2002**

COUNCIL DISTRICT: 9

**SUBJECT: VACATION OF A PORTION OF PUBLIC RIGHT OF WAY AND VACATION OF A PUBLIC SERVICE EASEMENT LOCATED ON THE WEST SIDE OF UNION AVENUE SOUTH OF WOODARD ROAD**

## BACKGROUND

This is a request to vacate 12 feet of public right-of-way and a 10-foot portion of a Public Service Easement (PSE) that was the subject of an approved Conditional Use Permit (File No. CP 01-107) to allow the reconstruction of an existing gasoline station. The request was submitted by A.F. Construction, Inc.

The Department of Public Works has no objections to the proposed vacation and recommends that it be approved. All concerned utility companies have been contacted and have no objections to the proposed vacation provided that a portion of the public service easement is reserved. A portion of the existing public service easement over the portion of the right-of-way that is proposed to be vacated will be reserved.

This vacation is in conformance with the adopted San José 2020 General Plan Land Use/Transportation Diagram. The right-of-way to be vacated is no longer needed for public street purposes, and will not affect the existing or proposed right-of-way improvements, or adjacent commercial structures or setbacks.

## CEQA

Environmental Clearance was granted for the Conditional Use Permit of the property with a Mitigated Negative Declaration adopted on May 8, 2002, indicating there is no substantial evidence that the project will have a significant adverse effect on the environment

## RECOMMENDATION

Planning Staff recommends approval of the vacation to the satisfaction of the Director of Public Works.

Stephen M. Haase, AICP  
Director, Planning, Building and Code Enforcement

Attachment

